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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

FRIEDA JOHNSTON

CIVIL ACTION NO. 6:12-cv-02669

VERSUS

JUDGE DOHERTY

CAROLYN W. COLVIN,
COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION

MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick J. Hanna for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the Commissioner's decision is **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).¹ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to (1) afford Ms. Johnston an

¹ A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5th Cir. 1993).

opportunity to update the record by submitting her medical records for the time period from the date of the last hearing forward, (2) afford Ms. Johnston another hearing, (3) either give controlling weight to the opinions of Ms. Johnston's treating physician(s) or set forth good cause for not doing so, (3) thoroughly evaluate Ms. Johnston's residual functional capacity, (4) reconsider whether Ms. Johnston can perform her prior work, and (5) determine whether Ms. Johnston is disabled.

Lafayette, Louisiana, this 16 day of December, 2013.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE